

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
Barry Haywood)
Debtors.) CASE NO. 13-21360-JPK
) Chapter 13

**OBJECTION TO PROOF OF CLAIM NO. 2
OF GREEN TREE SERVICING, LLC**

Comes now debtor, by his attorney Jonathan Petersen, and file his Objection to the Proof of Claim No. 2 of Green Tree Servicing, LLC (“Creditor”) that was filed on May 28, 2013, and in support of their objection state as follows:

- 1) Creditor filed a Proof of Claim on May 28, 2013.
- 2) Creditor’s Proof of Claim has insufficient attachments to ascertain the claimed amount of \$177,504.23. (See attached Mortgage Proof of Claim Attachment as Exhibit “A”.)
- 3) If this matter were a deficiency as claimed by creditor, then a Judgment should be attached evidencing same.
- 4) Debtor disputes the amounts purportedly owed to creditor.

WHEREFORE, the Debtors pray that this Court issue an Order disallowing Creditor’s claim or, in the alternative, modifying Creditor’s claim to remove any claim for secured debt.

Date: June 18, 2013

By: /s/ Jonathan Petersen
Jonathan Petersen
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Attorney for Debtor

CERTIFICATE OF SERVICE

I certify that on the 18th day of June, 2013 service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by electronic transmission and pursuant to BRCP 3007(a) a true and complete copy of the above and foregoing was mailed USPS 1st class by depositing the same in the United States Mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

Office of the United States Trustee
100 E. Wayne Street
South Bend, IN 46601

Paul R. Chael, Trustee
401 W. 84th Drive, Ste. C
Merrillville, IN 46410

Green Tree Servicing, LLC
7340 S. Kyrene Rd. T-120
Tempe, AZ 85283

Office of the Indiana Attorney General
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

Date: June 18, 2013

By: /s/ Jonathan Petersen
Attorney for Debtor

EXHIBIT A

B 10 (Official Form 10) (12/11)

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: _____

Case number: _____

Name of creditor: _____

Last four digits of any number you use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

1. Principal due

(1) \$ _____

2. Interest due

Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
_____ %	_____	_____	\$ _____
_____ %	_____	_____	\$ _____
_____ %	_____	_____	\$ _____

Total interest due as of the petition date

Copy total here ► (2) + \$ _____

3. Total principal and
interest due

(3) \$ _____

Part 2: Statement of Prepetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description

Dates incurred

Amount

1. Late charges

(1) \$ _____

2. Non-sufficient funds (NSF) fees

(2) \$ _____

3. Attorney's fees

(3) \$ _____

4. Filing fees and court costs

(4) \$ _____

5. Advertisement costs

(5) \$ _____

6. Sheriff/auctioneer fees

(6) \$ _____

7. Title costs

(7) \$ _____

8. Recording fees

(8) \$ _____

9. Appraisal/broker's price opinion fees

(9) \$ _____

10. Property inspection fees

(10) \$ _____

11. Tax advances (non-escrow)

(11) \$ _____

12. Insurance advances (non-escrow)

(12) \$ _____

13. Escrow shortage or deficiency (Do not include amounts that are

part of any installment payment listed in Part 3.)

(13) \$ _____

14. Property preservation expenses. Specify: _____

(14) \$ _____

15. Other. Specify: _____

(15) \$ _____

16. Other. Specify: _____

(16) \$ _____

17. Other. Specify: _____

(17) +\$ _____

18. Total prepetition fees, expenses, and charges. Add all of the amounts listed above.

(18) \$ _____

EXHIBIT

A

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

No

Yes Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable bankruptcy law.

1. Installment payments due Date last payment received by creditor _____
mmddyyyy

Number of installment payments due

(1) _____

2. Amount of installment payments due _____ installments @ \$ _____

_____ installments @ \$ _____

_____ installments @ + \$ _____

\$ _____

Total installment payments due as of the petition date

Copy total here ► (2) \$ _____

3. Calculation of cure amount

Add total prepetition fees, expenses, and charges

Copy total from Part 2 here ► + \$ _____

Subtract total of unapplied funds (funds received but not credited to account) - \$ _____

Subtract amounts for which debtor is entitled to a refund - \$ _____

Total amount necessary to cure default as of the petition date

(3) \$ _____

Copy total onto Item 4 of Proof of Claim form